IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 3078 OF 2006.

Eknath Dhamaji Dalvi. ... Appellant.

Versus.

Bombay Municipal Corporation and ors. ... Respondents.

Shri G.H.Salunkhe for the Appellant.

Shri J.J.Xavier for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 24th January, 2007.

P.C.:

1. The affidavit of the Appellant is taken on record and marked "X" for identification. In view of the said affidavit, the Appeal is dismissed as withdrawn.

2. If an Application for regularisation of the suit structure is made by the Appellant with the concerned authority of the Respondent-Corporation within a period of eight weeks from today, the same shall be decided by the concerned authority of the Respondent-Corporation within a period of 12 weeks from the date of receipt of the said application. In case the application is made within the stipulated period of eight weeks, both the parties will maintain status-quo as of today in respect of the suit structure for a period of six months from today.

3. In case the application for regularisation is

not made within the stipulated time, the Respondent-Corporation will be free to proceed with the work of demolition. The application for regularisation, if made, will be decided by the concerned authority on its own merits notwithstanding the dismissal of the suit filed by the Appellant.

4. No order as to costs.

5. Parties to act on an authenticated copy of this order.

Judge.